

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RUTH DePAULO,)	
)	CASE NO.: 1:18-CV-00178
Plaintiff,)	
)	JUDGE
v.)	
)	
MEDICREDIT, INC.,)	<u>NOTICE OF REMOVAL</u>
)	
Defendant.)	
)	
)	
)	

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Medcredit, Inc. (“Defendant”), through the undersigned counsel, removes Case No. CV 17 890672 (the “State Action”), which is pending in the Court of Common Pleas for Cuyahoga County, Ohio. In support of this Notice of Removal, Defendant states as follows:

1. On or about December 20, 2017, Plaintiff filed the State Action in the Cuyahoga County Court of Common Pleas. A true and accurate copy of the State Action Complaint (the “Complaint”), is attached as Exhibit A, pursuant to 28 U.S.C. § 1446(a). No pleadings or other orders beyond those attached as Exhibit A have been filed in the Cuyahoga County Court of Common Pleas.

2. Plaintiff has alleged that she is a consumer under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, and that Defendant violated the FDCPA when by attempting to collect on a debt that was paid, when Defendant allegedly knew or should have known the debt was paid. See Complaint, ¶ 8 and Section V (alleging “Violations of the FDCPA” as the “First Claim for Relief”).

3. Defendants are entitled to remove this action to this Court because this case arises, in part, under the laws of the United States, specifically, 15 U.S.C. § 1692, *et seq.* This Court has original jurisdiction over such actions pursuant to 28 U.S.C. § 1331, and this action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441.

4. Defendant was notified of this lawsuit when it was served with a copy of the Summons and Complaint on December 26, 2017. Accordingly, this Notice of Removal is being filed within thirty days after service and therefore has been timely filed pursuant to the provisions of 28 U.S.C. § 1446(b).

5. The United States District Court for the Northern District of Ohio, Eastern Division, is the District embracing the place where this action is pending and where events alleged in the Complaint purportedly occurred. Therefore, the civil action described above may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

8. Defendant has filed a true and correct copy of this Notice for Removal with the Clerk of Courts for the Cuyahoga County Court of Common Pleas, together with the Notice filed therein and served upon Plaintiff's counsel. 28 U.S.C. § 1446(d). A true and accurate copy of Defendant's Notice filed with the Cuyahoga County Court of Common Pleas is attached as Exhibit B.

9. By filing this Notice of Removal, Defendant does not admit any of the allegations of the Complaint, and does not waive any defenses that may be available.

11. Defendant requests that this Court take jurisdiction of this action to its conclusion and to final judgment to the exclusion of further proceedings in the state court, in accordance with the law.

WHEREFORE, Defendant files this Notice of Removal so that the entire State Action, Case No. CV 17 890672, now pending in the Cuyahoga County Court of Common Pleas, Ohio may be removed to this Court for all further proceedings.

Respectfully submitted,

/s/Monica L. Lacks

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on January 23, 2018, a copy of the foregoing *Notice of Removal* was filed electronically with the Clerk of Court using the CM/ECF system. Parties may access this filing through the Court's system. Additionally, a copy of the foregoing has also been sent via regular U.S. Mail to the following counsel of record:

James S. Wertheim
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Attorney for Plaintiff

/s/Monica L. Lacks
Attorney for Defendant

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